

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
AIKEN DIVISION

Joey A. Norris, Jr.,	)	C/A No. 1:20-cv-00246-DCC
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	<b>ORDER</b>
Darlington Sheriffs Office and Darlington	)	
Detention Center,	)	
	)	
Defendants.	)	
_____	)	

This matter is before the Court on Plaintiff's Complaint alleging violations of his civil rights pursuant to 42 U.S.C. § 1983. ECF No. 1. In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2), (D.S.C.), this matter was referred to United States Magistrate Judge Shiva V. Hodges for pre-trial proceedings and a Report and Recommendation ("Report"). On January 28, 2020, the Magistrate Judge directed Plaintiff to file certain documents to bring this action into proper form for further evaluation and possible service of process. ECF No. 6. On the same day, the Magistrate Judge also issued an order informing Plaintiff that his Complaint was subject to summary dismissal and directing him to file an amended complaint. ECF No. 7. Plaintiff failed to respond to either order. On February 24, 2020, the Magistrate Judge issued a Report recommending that this action be dismissed with prejudice for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b) and for failure to state a plausible claim. ECF No. 11. The Magistrate Judge advised Plaintiff of the procedures and requirements

for filing objections to the Report and the serious consequences if he failed to do so. Plaintiff has filed no objections, and the time to do so has passed.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. See *Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a de novo determination of any portion of the Report of the Magistrate Judge to which a specific objection is made. The Court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. See 28 U.S.C. § 636(b). The Court will review the Report only for clear error in the absence of an objection. See *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of timely filed objection, a district court need not conduct a *de novo* review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” (citation omitted)).

After considering the record in this case, the applicable law, and the Report of the Magistrate Judge, the Court finds no clear error and agrees with the Report’s recommendation. This action is **DISMISSED** with prejudice and without issuance of service of process pursuant to Federal Rule of Civil Procedure 41(b) for failure to prosecute.

IT IS SO ORDERED.

s/ Donald C. Coggins, Jr.  
United States District Judge

April 15, 2020

Spartanburg, South Carolina